

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chernajovsky *et al.*

Appl. No.: 09/756,283

Filed: January 9, 2001

For: **Latent Fusion Protein**

Confirmation No.: 5963

Art Unit: 1646

Examiner: Andres, Janet L.

Atty. Docket: 0623.1000000/LBB/PAJ

Third Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

RECEIVED
DEC 21 2004
OFFICE OF PETITIONS

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed December 10, 2002, in connection with the above-captioned application.

Copies of documents **AC1-AE1** are not provided in accordance with the Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, effective October 21, 2004, which states "section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application." A copy of each other document is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the

Chernajovsky *et al.*
Appl. No. 09/756,283

undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Peter A. Jackman
Attorney for Applicants
Registration No. 45,986

Date: Dec. 21, 2004
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
345534_1.DOC

FORM PTO-1449

**THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

ATTY. DOCKET NO.
0623.1000000/LBB/PAJ

APPLICATION NO.
09/756,283

APPLICANT(S)
Chernajovsky *et al.*

FILING DATE
January 9, 2001

ART UNIT
1646

RECEIVED

DEC 21 2004

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILED TYPE
	AA						
	AB						
	AC1	6,080,575	06/27/2000	Heidtmann <i>et al.</i>			01/16/1998
	AD1	6,670,147	12/30/2003	Heidtmann <i>et al.</i>			02/24/1999
	AE1	2004/0110682	06/10/2004	Heidtmann <i>et al.</i>			08/12/2003
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM2	CA 2,227,159	07/16/1998	Canada			Yes No
	AN2	AU 738717	07/23/1998	Australia			Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.